

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA

Adam Evans,

Plaintiff,

vs.

Wilson Trucking Company, Keith
Doonan, and Tim Stokes,

Defendants.

Civil Action No.: 6:15-887-BHH

ORDER AND OPINION

Plaintiff Adam Evans ("Plaintiff"), filed this action against his former employer, Wilson Trucking Company, former manager, Keith Doonan, and former dispatch supervisor, Tim Starkes¹ (collectively "Defendants"), asserting that Defendants discriminated against him because of his race and retaliated against him because of conversations he had with Doonan, Starkes, and regional safety manager, Tim Taylor, in violation of Title VII of the Civil Rights Act of 1964, as amended, and Title 42, United States Code, Section 1981. (ECF No. 1.) In accordance with 28 U.S.C. § 636(b)(1)(A) and Local Civil Rule 73.02(B)(2)(g), D.S.C., this matter was referred to United States Magistrate Judge Kevin F. McDonald for pre-trial handling and a Report and Recommendation ("Report").

This matter is before the Court on Defendants' Motion for Summary Judgment. (ECF No. 39.) On July 26, 2016, Magistrate Judge McDonald issued a Report recommending that Defendants' Motion for Summary Judgment be granted. (ECF No. 57.) The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. (ECF No. 57

¹ Mr. Starkes is incorrectly named in the complaint as Tim Stokes.

at 23.) Plaintiff filed no objections by the deadline of August 12, 2016, and his Motion for an Extension of Time (ECF No. 59) in which to do so was denied for lack of good cause shown (ECF No. 61).

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court may accept, reject, or modify, in whole or in part, the Report or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

After a careful review of the record, the applicable law, and the Report, the Court finds the Magistrate Judge's recommendation to be proper and to evince no clear error. Accordingly, the Report is incorporated herein by reference. Defendants' Motion for Summary Judgment (ECF No. 39) is GRANTED and this action is DISMISSED.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

August 15, 2016
Greenville, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.